

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Wallace A. Bustelo, Special Agent, Homeland Security Investigations, being duly sworn under oath, hereby state that the following is true and correct to the best of my knowledge and belief:

**BACKGROUND**

1. I am a Special Agent of the United States Department of Homeland Security (DHS), Homeland Security Investigations (HSI), San Juan, Puerto Rico and have been so employed since 2014. I am an investigative or law enforcement officer of the United States who is empowered to conduct investigations of or to make arrests for offenses enumerated in Title 18, United States Code, Section 2516. As a Special Agent, my responsibilities include conducting investigations of the alleged manufacture, distribution and possession of controlled substances, importation of controlled substances, smuggling of goods into the United States and other related offenses.
2. I have attended the Homeland Security Investigations Special Agent Training Course (HSISAT) at the Federal Law Enforcement Training Center in Glynco, Georgia. I was trained in conducting investigations related to firearms violations, narcotics smuggling, interdiction and distribution activities. I am currently assigned to the Public Safety Group/Resilience Strike Team, where investigations commonly conducted are related to violations of Titles 8, 18, 19, 21 and 31 of the United States Code (USC).
3. Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me or any other law enforcement officers concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that **Jordanish TORRES-GARCIA** committed federal offenses, as further described in the criminal complaint. The information contained in this affidavit is based on my participation in the investigation described herein as well as from information provided by other agents, officers, and individuals connected with this investigation.

**FACTS IN SUPPORT OF PROBABLE CAUSE**

4. On October 22, 2015 at approximately 12:00pm, Puerto Rico Police Department (PRPD) Agents of the San Juan Drug Unit executed a State Search Warrant issued by Hon. Kahem M. Alvarez-Echandía, Municipal Judge San Juan Superior Court, at the Monte Hatillo Public Housing Project, Building 25, at a second floor apartment that had no visible number or markings to properly identify it.

5. Upon entering the apartment, agents encountered **Jordanish TORRES-GARCIA**, sole occupant of the property at the time.

6. Upon searching the apartment, agents found one Glock pistol, model 21, .45 caliber, bearing serial number **VSC176**; one H&K pistol, model P2000, .40 caliber, bearing serial number **123-084825**; one Rock River Arms rifle, .223 caliber, bearing serial number **CM169502**; three Glock magazines (one of them an extended capacity magazine); two H&K magazines; two AR-15 .223 caliber magazines that were taped together; thirty-six rounds of .40 caliber ammunition; twenty-nine rounds of .45 caliber ammunition; fifty-three rounds of .223 caliber ammunition; one BB Gun rifle; one jacket with “POLICIA” markings and a PRPD patch; two sets of uniforms with the “Liga Atletica Policiaca” patches; one black fanny pack with Ferrari markings; one black bag with “Adidas” markings; one ski mask; one blue Motorola Two-Way communications radio (“walkie-talkie”); drug paraphernalia; \$2.00 in U.S. currency; one black big suitcase with “ARGO SPORT” markings; one Nokia cellphone; and other miscellaneous personal items. At the time of the seizure all firearms were fully loaded with one round in the chambers.

7. **TORRES-GARCIA** was placed under arrest and transported to the PRPD San Juan Drug Unit for further investigation and processing.

8. HSI agents confirmed that the seized firearms were: (1) a Glock pistol, model 21, .45 caliber, bearing serial number **VSC176**; (2) a H&K pistol, model P2000, .40 caliber, bearing serial number **123-084825**; (3) a Rock River Arms rifle, .223 caliber, bearing serial number **CM169502**. An NCIC record check revealed that the H&K pistol, model P2000 had been reported stolen to the PRPD by the registered owner.

9. HSI agents later read and explained to **TORRES-GARCIA** his constitutional rights in the Spanish language, his native language; **TORRES-GARCIA** stated that he understood his rights, which he later waived in writing by signing the Statement of Rights Form. **TORRES-GARCIA** then stated to the HSI agents that he had spent the night at the apartment with a female companion who had left early to go to the university while he slept in. **TORRES-GARCIA** stated he does not know the registered resident of the apartment where he spent the night. **TORRES-GARCIA** further stated that PRPD agents entered the apartment and caught him sleeping in the bedroom area, which was the same room where the rifle and firearms were found. **TORRES-GARCIA** stated he had not seen the firearms before, except for a BB gun rifle also found in the apartment. **TORRES-GARCIA** also indicated that PRPD also also found drug paraphernalia (colored baggies), a ski mask which he stated is commonly used to ride motorcycles and a jacket with a PRPD patch and “POLICIA” markings. Furthermore, **TORRES-GARCIA** re-stated that this was the first time he stayed at said apartment.

10. **TORRES-GARCIA** provided HSI agents written consent to search his mobile telephone. On **TORRES-GARCIA**'s phone, HSI agents observed multiple pictures of firearms and individuals bearing firearms, including **TORRES-GARCIA** with the same firearms that were seized from the apartment.

11. Based on my training and experience, I know that firearms and ammunition are not manufactured in Puerto Rico. Accordingly, the firearms and ammunition seized on October 22, 2015 were traveled in interstate or foreign commerce.

12. A criminal records check revealed that **TORRES-GARCIA** has been convicted of a crime punishable by more than one year of prison.

**CONCLUSION**

13. Based on the facts set forth above, I submit that there exists probable cause to charge **TORRES-GARCIA** with violating of Title 18, United States Code, Section 922 (g)(1) [felon in possession of a firearm].

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.



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Wallace A. Bustelo  
Special Agent  
U.S. Homeland Security Investigations

Sworn to and subscribed before me this 23<sup>rd</sup> day of October, 2015, in San Juan, Puerto Rico.



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Honorable Bruce J. McGiverin  
United States Magistrate Judge